

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Mark Anthony Lane

Docket No. 5:09-CR-33-1H

Petition for Action on Supervised Release

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Mark Anthony Lane, who, upon an earlier plea of guilty to 18 U.S.C. § 922(g)(1), Possession of Firearms and Ammunition by a Felon, and 21 U.S.C. § 844(a), Possession of Cocaine and Marijuana, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on March 10, 2010, to the custody of the Bureau of Prisons for a term of 40 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

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Mark Anthony Lane was released from custody on August 10, 2012, at which time the term of supervised release commenced. On October 19, 2012, a violation report was submitted to the court reporting that the defendant had tested positive for cocaine, was missing treatment sessions, and had failed to report to his probation officer. Upon our recommendation, supervision was continued by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 31 and November 1, 2012, the defendant tested positive for the use of cocaine. Given the proximity of the dates, the tests may indicate only one incident of drug use. The defendant readily admitted to the use and his struggles to overcome his addiction. Given his issues with reporting and attending treatment, we recommend that he be placed on 60 days of home detention. This sanction will provide more structure for a longer period of time than the DROPS jail sanctions. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.
2. That the DROPS sanction be suspended at this time.

Except as herein modified, the judgment shall remain in full force and effect.

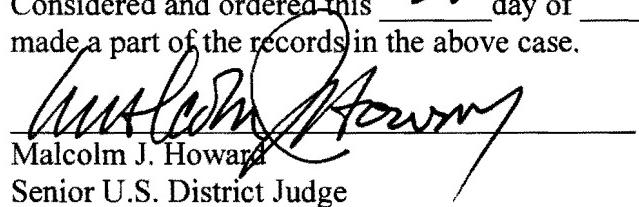
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: November 27, 2012

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ORDER OF COURT

Considered and ordered this 29th day of Nov, 2012, and ordered filed and made a part of the records in the above case.


Malcolm J. Howard

Senior U.S. District Judge